

HC

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

2008 JUN 30 AM 9:46

'08 MJ 1982

UNITED STATES OF AMERICA,

Plaintiff,

v.

Victor GUTIERREZ-Palacios

Defendant

Magistrate Case No. \_\_\_\_\_

LNY

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326

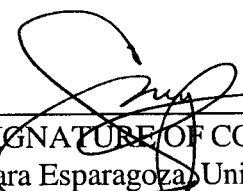
Attempted Entry After

Deportation

The undersigned complainant being duly sworn states:

On or about **June 27, 2008** within the Southern District of California, defendant **Victor GUTIERREZ-Palacios**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 30<sup>th</sup> DAY OF **June**, 2008.

  
UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

I, United States Customs and Border Protection (CBP) Enforcement Officer Heather Ramos, declare under penalty of perjury the following to be true and correct:

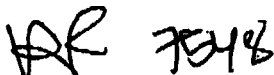
On June 27, 2008 at approximately 0115 hours, an adult male, later identified as **Victor GUTIERREZ-Palacios (Defendant)** attempted to enter the United States on foot through an unattended vehicle lane. Defendant was apprehended by a CBP Officer and questioned as to if he had documents to which he stated he had forgotten them. A CBP Officer took custody of the Defendant and escorted him to secondary inspection.

During secondary inspection, a CBP Officer queried Defendant's fingerprints in the Integrated Automated Fingerprint Identification System (IAFIS) and Automated Biometric Identification System (IDENT). The officer received a positive match, confirming Defendant's identity and linking him to FBI and Immigration Service records.

Immigration records indicate that Defendant is a citizen of Mexico, without any rights or entitlements to either; enter, pass through, or reside in the United States.

Further queries in the Central Index System (CIS) and the Deportable Alien Control System (DACS) confirmed that on or about November 1, 1990 Defendant was ordered removed from the United States to Mexico. Immigration records indicate the Defendant has neither applied for nor received permission to legally reenter the United States from the United States Attorney General or the Secretary of Homeland Security.

EXECUTED ON THIS 27th DAY OF June 2008 AT 1700 HOURS.



Heather Ramos / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page, I find probable cause to believe that the defendant named therein committed the offense on June 27, 2008 in violation of Title 8, United States Code, Section 1326.

  
MAGISTRATE JUDGE

6/28/08 at 12:14 PM  
DATE / TIME